

Entered 11-17-99 - sb
CL 99L0754 - ALEXIS HOLMES

00- *R* -1817

CLAIM OF: **WILLIE WILEY (A.K.A.) WILLIE WYLIE**
through his attorney
Robert A. Maxwell
142 Mitchell Street
The Counsel House
Suite 307
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of property seized during a drug arrest on January 12, 1998, at 1958 Tiger Flower, Atlanta Georgia.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY NOV 20 2000
CITY CLERK

ADVERSED REPORT

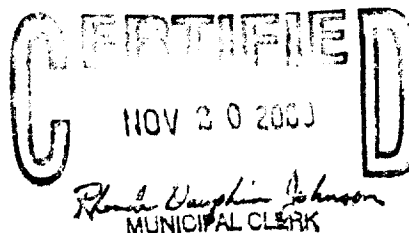
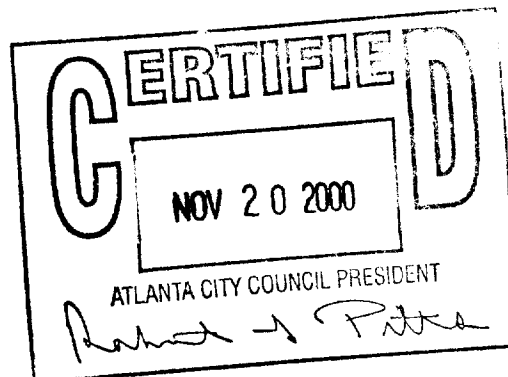
COM. *Public Safety*

DATE *11/14/00*

NO *Clara H. Johnson*

Michael B. Johnson

Clara H. Johnson





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 28, 2000

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Robert A. Maxwell
Attorney at Law
142 Mitchell Street
The Counsel House
Suite 307
Atlanta, GA 30303

00-R-1817

RE: Willie Wiley (aka) Willie Wylie

Dear Attorney Maxwell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on November 20, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0754

Date: 11/01/00

Claimant /Victim **WILLIE WILEY (A.K.A.) WILLIE WYLIE**

BY: (ATTY:) Robert A. Maxwell

Address: 142 Mitchell Street, The Counsel House, Suite 307 Atlanta, Georgia 30303

Subrogation: _____ Claim for Property loss \$ 7,315.00 Bodily Injury \$ _____

Date of Notice: 11/10/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/12/99 Place: 1958 Tiger Flower Atlanta, Georgia 30302

Department Police Division: Property Unit

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleged that he sustained substantial losses when the City of Atlanta Police Department disposed of his property without notice. A settlement agreement was reached with the claimant in the amount of \$5,000.00. The funds for the settlement were dispersed from Police Property Unit reserves.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved	Offer rejected	Compromise settlement	X
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Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent	City Negligent	X	Joint	Claim Abandoned
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Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse ☒ X ☒ Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 1/22/08

Committee Action _____ Council Action _____

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0754

\$ 5,000.00

IN CONSIDERATION of the sum of FIVE THOUSAND AND NO/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of the loss of personal property, specifically - Magnavox TV, Serial #31339576; Orion TV, Serial #65240106053; RCA TV, Serial #718516581; White CD Player, Serial #313981005; Nikon Camera, Serial #1673320; Zenith VCR, Serial #BEJ9QKN1250; Lasonic TRC-975, Serial #NSNA; Mitsubishi CS3506R, Serial #Removed; Mitsubishi CS3506R, Serial #Removed; Magnavox CD Player, Serial #49075609; Sharp 13"TV, Serial #NSNA; Sharp VCR, Serial #406746725; Sharp Player Combo, Serial #40507366; Sharp Speaker AMP, Serial #40609689; Sharp Speaker, Serial #9431; Sharp Speaker, Serial #9431; Panasonic Microwave, Serial #Removed; CASH, Date in 4/14/1999, ID#001583
which occurred on or about the 12th day of January, 1998,
at or near 1958 Tiger Flowers Drive.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 2nd day of November, 2000.

Willie Wiley (LS)
Willie Wiley (AKA) Willie Wylie

The above release was read and explained to, and signed by the said Willie Wiley
(Willie Wiley (AKA) Willie Wylie)

 in our presence on the date above written.

Alvin Holmes
Kelly Barkley
WITNESSES

00- R -1817

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
NV Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

		11/20/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842 * President Pitts recused himself. # Lee Morris not voting.